

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

BURRELL JOHNSON, JR., 241395,)	
Plaintiff,)	
)	
v.)	No. 3:10-CV-804-B
)	
ROSIE M. JACKSON,)	
Defendant.)	

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the provisions of 28 U.S.C. § 636(b), and an order of the District Court in implementation thereof, this case has been referred to the United States Magistrate Judge. The findings, conclusions and recommendation of the Magistrate Judge are as follows:

FINDINGS AND CONCLUSIONS:

Type of Case

Plaintiff is a state prisoner who has filed this complaint pursuant to 42 U.S.C. § 1983. Process has not issued pending judicial screening.


Statement of Case

Plaintiff filed this suit to evict Defendant Rosie M. Jackson from his home. Plaintiff, however, filed a previous case against Rosie Jackson seeking the same relief. *See Johnson v. Jackson*, 3:10-CV-790-K (N.D. Tex., Dallas Division). That previous case is currently pending. The Court therefore recommends that this case be dismissed as duplicative.

RECOMMENDATION:

The Court recommends that the complaint be dismissed as duplicative.

Signed this 10th day of May, 2010.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation shall be served on all parties in the manner

provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).